

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

MICHAEL W. MCCORMACK  
Debtor.

Hearing Date: December 6, 2018  
Hearing time: 09:30 a.m.

Case No.: 18-76805-ast  
Chapter 13  
Judge: Alan S. Trust

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**OBJECTION TO CONFIRMATION**

Courtney R Williams, Esq., an attorney duly admitted to practice before the United States Bankruptcy Court for the Eastern District of New York, states the following under the penalty of perjury:

1. I am an attorney at law duly licensed to practice before this Court and an associate with the office of Gross Polowy, LLC, attorneys for Rushmore Loan Management Services, LLC as servicing agent for U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT ("Secured Creditor"), and as such, am fully familiar with the facts and circumstances of the present case.

2. Secured Creditor is the holder of a note secured by a mortgage on real property commonly known as 36 Abrew Street, Bayshore, NY 11706 which property is owned by the Debtor.

3. The Debtor filed a Chapter 13 Plan on October 10, 2018 which lists arrears in the amount of \$185,286.00.

4. Secured Creditor will file a Proof of Claim listing approximately \$235,003.71 in pre-petition arrears.

5. The Debtor's proposed Chapter 13 Plan requests Loss Mitigation, however the Court has not yet entered a Loss Mitigation Order.

6. Additionally, as the Debtor's proposed Chapter 13 Plan provides for total plan payments in the amount of \$166,800.00, which is insufficient to fully pay the arrears owed to Secured Creditor if loss mitigation is unsuccessful, confirmation of the Plan must be denied pursuant to 11 U.S.C. §1325.

7. As the Debtor's proposed plan fails to provide for full payment of the arrears listed in the Proof of Claim to be filed by Secured Creditor and fails to provide for sufficient funds to be paid into the Plan if loss mitigation is unsuccessful, confirmation of the Plan must be denied pursuant to 11 U.S.C. §1325.

WHEREFORE, it is respectfully requested that this Court deny confirmation of the Debtor's proposed plan, and for such other and further relief as to this Court deems just and equitable.

A handwritten signature in cursive script, reading "Courtney R. Williams", written in dark ink.

Courtney R Williams, Esq.